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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

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OFFICE OF PETITIONS

In re Application of :
Leijon, et al. : LETTER REGARDING PTA
Application No. 08/952,995 :
Filed: March 26, 1998 (CPA :
August 31, 2001) :
Atty. Dkt. No.: 70560-2/8242 :

This letter is in response to the inquiry regarding patent term adjustment ("PTA") filed June 21, 2004. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 0 days.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 0 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants state that it appears the instant application may have been more accorded a greater adjustment than that which applicants are entitled.

A review of the application history reveals that the revised patent term adjustment of 205 days is in error. At the time of mailing of allowance, there were no grounds for adjustment for Office delays under 37 CFR 1.702.

Any potential adjustment under 37 CFR 1.702 shall be reduced in accordance with 37 CFR 1.704 for applicants' failure to engage in reasonable efforts to conclude prosecution. At the time of allowance, a reduction of 92 days was attributable to applicants in connection with the submission in response to the non-final Office action mailed August 27, 2002. In accordance with 37 CFR 1.704(b), the reduction became May 28, 2002, the day after the

date that is three months after the date of mailing of non-final Office action, and ended August 27, 2002, the date a response was submitted.

Further, any adjustment shall be reduced 365 days is in connection with the suspension of action requested August 27, 2002. In accordance with 37 CFR 1.704(c)(1), the date a request for suspension of action under § 1.103 was filed, and ended August 27, 2003, the date the suspension terminated.

Accordingly, at the time of Determination of Patent Term Adjustment, the instant application was entitled to 0 days of patent term adjustment.

As applicants are advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Karin Ferriter
per

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Enclosure: Copy of Adjustment PAIR Calculation